

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BELINDA DENISE JONES,

Petitioner,

Civil Case No. 22-11237

Hon. Linda V. Parker

v.

JEREMY HOWARD,

Respondent,

**OPINION AND ORDER GRANTING THE *EX PARTE* MOTION TO FILE
EXHIBITS IN THE TRADITIONAL MANNER (ECF NO. 5)**

Belinda Jones, (“Petitioner”), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner has filed an *ex parte* motion to file a compact disc recording of a 911 call and a DVD of medical records in the traditional manner. For the reasons that follow, the motion is **GRANTED**.

Effective June 1, 2004, the official record of filed cases within the United States District Court for the Eastern District of Michigan was maintained electronically. As of this date, attorneys were permitted to file pleadings and other documents in all cases by electronic means. *See* E.D. Mich. LR 5.1.1. As of October 1, 2005, LR 5.1.1 was amended to require electronic filing of all court

papers after November 30, 2005. The Rule permits the Court to “excuse a party from electronic filing on motion for good cause shown.” LR 5.1.1(a).

In order to demonstrate good cause within the meaning of LR 5.1.1(a), “a litigant must set forth reasons beyond the resistance to modernization, reluctance to invest in new equipment, or an aversion to technology” to qualify for an exception to electronic filing. *Smith v. Port Hope School Dist.*, 407 F. Supp. 2d 865, 868 (E.D. Mich. 2006). Instead, “there must be evidence that unusual, unanticipated, or extraordinary circumstances beyond the control of counsel” that would justify relieving a litigant from the electronic filing requirement. *Id.*

At least one judge in this district has permitted compact discs to be filed with the court in a traditional manner. *See Hawthorne-Burdine v. Oakland Univ.*, 158 F. Supp. 3d 586, 593, n. 8 (E.D. Mich. 2016). In addition, petitioner is currently incarcerated. Pursuant to Rule 3(a) of the Electronic Filing (ECF) Procedures for the Eastern District of Michigan, “[A] filing user must be an attorney admitted and in good standing to practice in the Eastern District of Michigan, an attorney authorized to represent the United States Government, or a non-incarcerated *pro se* party granted access permission.” Petitioner, as an incarcerated prisoner, by definition does not qualify as a filing user pursuant to the ECF Procedures of this Court. Because petitioner does not have access to the

Court's electronic docketing system, this Court will permit her to file her exhibits in a traditional manner.

IT IS HEREBY ORDERED that the *ex parte* motion to file the exhibits in a traditional manner (ECF No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner shall send a copy of the exhibits to the Clerk's Office in Detroit, MI, with a copy of this order. The Petitioner shall also send a copy of the exhibits to this Court's chambers at 231 West Lafayette Blvd., Room 204, Detroit, MI 48226.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 23, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 23, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager